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January 25, 1978

Mr. James Varotsis, Secretary
State Board for the Licensing and
Regulation of Plumbers
105 Loudon Road
Concord, New Hampshire 03301

Dear Mr. Varotsis:

The State Board for the Licensing and Regulation of Plumbers has requested an opinion regarding the extent of its authority under Chapter 562 of the Laws of 1977 to make expenditures necessary for the proper performance of its duties.

In enacting Chapter 562 of the Laws of 1977, the Legislature amended the New Hampshire Revised Statutes Annotated, effective July 1, 1977, by adding a new chapter, RSA 329-A, entitled "Plumbers and Plumbing." That new chapter created the State Board for the Licensing and Regulation of Plumbers (hereinafter referred to as the "Board"). Funding necessary to enable the Board to carry out its responsibilities was provided by the Legislature in Sections 1 and 4 of Chapter 562. 1977 Laws 562:1 enacted, inter alia, RSA 329-A:6, in these words:

Receipts and Disbursements. The secretary of the board shall receive and account at least monthly for all moneys derived under the provisions of this chapter, and shall pay the same to the state treasurer. The secretary of the board shall receive such salary as the board shall determine in addition to the expenses provided for in RSA 329-A:4. The board may employ such clerical or other assistants as are necessary for the proper performance of its work,

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and may make expenditures from this fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter. Under no circumstances shall the total amount of payments made hereunder exceed the amount of the fees collected hereunder. Any balance in said account shall lapse at the end of each fiscal year.

1977 Laws 562:4 consists of the following provision:

Appropriation. There is hereby appropriated the sum of \$20,000 for fiscal year ending June 30, 1978 and a like amount for fiscal 1979 to be expended by the plumbers' examining board for the purpose of carrying out RSA 329-A. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Elementary rules of statutory interpretation require that all provisions of an act be read together, because no part is superior to any other part, and that effect be given, if possible, to every word, clause and sentence of the act. 2A Sutherland, Statutory Construction, §46 (4th ed. C. Sands 1973). Applying these principles in the context of your inquiry, it is apparent from the plain language of the sections set forth above that the Legislature provided the Board with two distinct sources of operating revenue, at least through fiscal year 1979. One item of revenue available to the Board is the fund generated by the receipt of licensing fees from the public. The other item is the \$20,000 amount specifically appropriated by the Legislature to the Board for the purpose of meeting its expenses in each of the fiscal years 1978 and 1979. The act as a whole leaves little room for doubt as to the Legislature's intention in enacting Chapter 562. A Board was created to administer the licensing and regulation of plumbers in the State of New Hampshire. The Board was to be self-supporting, employing funds generated by the collection of fees from those licensed. However, the Legislature recognized that "start-up" funds would be required to meet the Board's expenses until such time as the Board's own regulatory operations generated a steady and sufficient income. Hence, the Legislature provided the specific \$20,000 appropriation in each of the first two years of the Board's existence.

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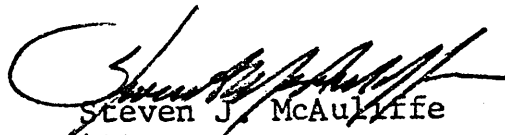
Therefore, it is our opinion that the Board is authorized under Chapter 562, the Laws of 1977 to expend such sums in fiscal 1978 and 1979 as the Board may deem reasonably necessary for the proper performance of its duties, up to a maximum amount in each fiscal year of \$20,000, or the amount generated by the receipt of licensing fees in that year, whichever amount is greater.

We trust that this opinion satisfactorily responds to the Board's inquiry.

Yours sincerely,



David H. Souter
Attorney General



Steven J. McAuliffe
Attorney

SJM/smg